
By: **Delegate Frush**
Introduced and read first time: February 5, 2003
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Juvenile Justice Alternative Education Pilot Program**

3 FOR the purpose of requiring the Department of Education to oversee the juvenile
4 justice alternative education pilot program; requiring the State Board of
5 Education to enter into a partnership with a Juvenile Justice ~~Advisory Board~~
6 Alternative Education Pilot Program Board of Directors to organize a certain
7 program; providing for the composition of the Juvenile Justice ~~Advisory Board~~
8 Alternative Education Pilot Program Board of Directors; requiring the Juvenile
9 Justice ~~Advisory Board~~ Alternative Education Pilot Program Board of Directors
10 with the State Board to select a private agency to administer a certain program;
11 providing that a certain program may be held in a certain facility; ~~providing that~~
12 ~~a student required to attend a certain program who fails to attend is deemed~~
13 ~~delinquent~~; providing that students attending a certain program receive courses
14 focusing in certain areas; requiring each county board to consider course credit
15 earned by certain students attending a certain program as credit earned in a
16 county school; requiring a county board to pay certain funds to a certain
17 program; providing that certain funds shall not revert to the General Fund and
18 shall remain available for a certain purpose; and generally relating to the
19 juvenile justice alternative education pilot program.

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 7-305.1
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Education

2 7-305.1.

3 (a) The State Board shall establish in a county designated by the State
4 Superintendent a juvenile justice alternative education pilot program for public
5 school students who are suspended, expelled, or identified as being candidates for
6 suspension or expulsion as provided in subsection ~~(e)~~ (F) of this section.

7 (b) The Department [or the county board for the county designated under
8 subsection (a) of this section may enter into a partnership with the county's circuit
9 court judges to] SHALL oversee the juvenile justice disciplinary alternative education
10 pilot program for public school students who are:

11 (1) [suspended] SUSPENDED, expelled, or identified as being candidates
12 for suspension or expulsion; ~~AND OR~~

13 (2) ORDERED TO ATTEND AS A CONDITION OF PROBATION BY THE
14 JUVENILE COURT.

15 (c) (1) THE STATE BOARD SHALL ENTER INTO A PARTNERSHIP WITH A
16 JUVENILE JUSTICE ~~ADVISORY BOARD~~ ALTERNATIVE EDUCATION PILOT PROGRAM
17 BOARD OF DIRECTORS TO ORGANIZE AND RUN THE JUVENILE JUSTICE
18 ALTERNATIVE EDUCATION PILOT PROGRAM.

19 (2) A JUVENILE JUSTICE ~~ADVISORY BOARD~~ ALTERNATIVE EDUCATION
20 PILOT PROGRAM BOARD OF DIRECTORS SHALL BE COMPOSED OF:

21 (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
22 THE PRESIDENT OF THE SENATE;

23 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
24 THE SPEAKER OF THE HOUSE;

25 (III) THE COUNTY'S CIRCUIT COURT JUDGES; ~~AND~~

26 (IV) THE COUNTY EXECUTIVE OR THE COUNTY EXECUTIVE'S
27 DESIGNEE;

28 (V) THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE
29 OR THE SECRETARY'S DESIGNEE; AND

30 (VI) ONE MEMBER WHO IS A RESIDENT OF THE COUNTY IN WHICH
31 THE ALTERNATIVE EDUCATION PILOT PROGRAM IS LOCATED, APPOINTED BY THE
32 COUNTY EXECUTIVE.

33 (D) (1) The State Board AND THE JUVENILE JUSTICE ~~ADVISORY BOARD~~
34 ALTERNATIVE EDUCATION PILOT PROGRAM BOARD OF DIRECTORS [may] SHALL
35 select a private agency to administer the juvenile justice alternative education pilot
36 program.

1 (2) The selected private agency shall:

2 (i) Provide proof of student progress in reading and mathematics;

3 and

4 (ii) Have at least 3 years of experience serving students that are
5 suspended, expelled, or identified as being candidates for suspension or expulsion.

6 (E) A JUVENILE JUSTICE ALTERNATIVE EDUCATION PILOT PROGRAM MAY BE
7 OPERATED IN A FACILITY OWNED AND OPERATED BY:

8 (1) A PRIVATE PARTY; OR

9 (2) A COUNTY BOARD.

10 [(d)] (F) ~~(+)~~ Except for a student who is adjudicated delinquent and
11 committed by the juvenile court to a public or licensed private agency for placement in
12 a facility under § 3-8A-19 of the Courts Article, a student who is required to attend
13 school under § 7-301 of this subtitle and who is suspended, expelled, or identified as
14 being a candidate for suspension or expulsion from a public school in the county
15 designated under subsection (a) of this section shall attend the juvenile justice
16 alternative education pilot program BEGINNING THE FIRST DAY OF THE STUDENT'S
17 SUSPENSION OR EXPULSION.

18 ~~(2) A STUDENT REQUIRED TO ATTEND A JUVENILE JUSTICE~~
19 ~~ALTERNATIVE EDUCATION PROGRAM WHO FAILS TO ATTEND IS DEEMED~~
20 ~~DELINQUENT AS DEFINED IN § 3-8A-01(K) OF THE COURTS ARTICLE.~~

21 [(e)] (G) The juvenile justice alternative education pilot program shall:

22 (1) Provide programs designed to promote self-discipline and reduce
23 disruptive behavior in the school environment;

24 (2) Ensure that the student continues to receive appropriate educational
25 and related services during the term of the suspension or expulsion INCLUDING A
26 FOCUS IN THE FOLLOWING ACADEMIC AREAS:

27 (I) ENGLISH AND LANGUAGE ARTS;

28 (II) MATHEMATICS;

29 (III) SCIENCE; AND

30 (IV) SOCIAL STUDIES; and

31 (3) Offer services to facilitate the student's transition back to the school
32 after completion of the term of suspension or expulsion.

33 (H) EACH COUNTY BOARD SHALL CONSIDER COURSE CREDIT EARNED BY A
34 STUDENT WHILE IN A JUVENILE JUSTICE ALTERNATIVE EDUCATION PILOT
35 PROGRAM AS CREDIT EARNED IN A COUNTY SCHOOL.

1 (I) THE COUNTY BOARD SHALL PAY TO THE JUVENILE JUSTICE
2 ALTERNATIVE EDUCATION PILOT PROGRAM THE BASIC CURRENT EXPENSES PER
3 PUPIL FOR EACH STUDENT TRANSFERRED TO THE JUVENILE JUSTICE ALTERNATIVE
4 EDUCATION PILOT PROGRAM FROM THE COUNTY'S SCHOOLS.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
6 other provision of law, for fiscal year 2004, general funds appropriated in connection
7 with the juvenile justice alternative education pilot program that remain unexpended
8 at the end of the fiscal year shall not revert to the General Fund and shall remain
9 available for expenditure on the juvenile justice alternative education pilot program
10 in the subsequent fiscal year.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2003.